

The application is for full planning permission to vary condition 1 of planning permission 06/00723/FUL that permitted the conversion of redundant hall outbuildings to form 3 holiday cottages, reception, and a manager's flat and construction of a car park. Condition 1 restricts the use of the 3 holiday cottages to short term holiday accommodation only and is worded as follows:-

- 1. Notwithstanding the provisions of the Town and County Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order with or without modification), the two flats in the former tack room and the one flat in the former hayloft, hereby permitted, shall be occupied as short term holiday accommodation and shall be occupied by any individual or group of people for no more than twenty-eight days in any calendar year.*

The variation sought would allow flats 1 and 2 (Gardeners and Blacksmiths Cottages) to be occupied as 6 month shorthold residential tenancy lettings. (The holiday cottage that was permitted in the former hayloft has been relocated to Bothy Cottage under planning permission 08/00967/FUL.)

The proposal lies within the Rural Area within the village of Maer but is not within a defined village envelope, being within the open countryside for development control purposes. The development lies within an Area of Landscape Maintenance, and the site is also within the Maer Conservation Area and is part of a registered Grade II Historic Parkland and Garden. Maer Hall and the outbuildings are Grade 2 Listed Buildings. A similar application, reference 06/00723/FUL, was withdrawn after Planning Committee resolved to grant planning permission for the variation of condition 1 subject to the applicant entering into a planning obligation restricting the ownership of the building to the same ownership as the curtilage of Maer Hall with no disposal save for 6 months shorthold tenancies.

The 8 week period for the determination of this application expires on 28th March 2014.

RECOMMENDATION

- (a) Subject to the applicant completing a planning obligation by 24th March 2014 that restricts the ownership of the buildings to the same ownership as the curtilage of Maer Hall; restricts external alteration to the premises; prevents any items or equipment from being brought onto the premises without the owner's consent; prevents use that in any way causes damage, a nuisance or annoyance; specifies that the owner will require the lessee to enter into a direct covenant with the Local Planning Authority in a specified form should the premises be leased for a term in excess of six months the obligation; and sets a limit on the lease of the property to a maximum period of 60 years.

PERMIT the application subject to the following conditions:-

- Notwithstanding the provisions of the Town and County Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order with or without modification), Bothy Cottage, but not Gardeners or Blacksmiths Cottages, shall be occupied as short term holiday accommodation and shall be occupied by any individual or group of people for no more than twenty-eight days in any calendar year.
- Removal of permitted development rights for the erection of boundary treatments and outbuildings etc.
- This consent grants permission only for the variation of condition 1 of planning permission 06/00723/FUL. All other conditions of that permission shall apply.

b) Should the matter referred to in (a) above not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without the obligation the development could have an adverse impact on the integrity of the curtilage of the Hall, the core of its Registered Historic Parkland and Garden and the setting of its Listed buildings, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

In resolving to grant planning permission for the variation of condition 1 of planning permission 06/00723/FUL subject to a S106 Members concluded that the unfettered residential use of these Listed Buildings would assist in their retention without detriment to their appearance. In addition any income arising from the letting of the units would assist in the maintenance and management of the Hall and its immediate gardens and as such would assist in the preservation of a significant heritage asset. There has been no material change in planning circumstances and in recognition of this and the acceptability of the terms of the submitted draft S106 obligation the application remains acceptable.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with this application

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Policies and Proposals in the approved Development Plan relevant to this decision:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS)

Policy ASP6 - Rural Area Spatial Policy

Policy CSP2 - Historic Environment

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1 – Residential Development: Sustainable Location and Protection of the Countryside

Policy H9 – Conversion of Rural Buildings for Living Accommodation

Policy E12 – The Conversion of Rural Buildings (for employment purposes)
Policy T16 – Development – General Parking Requirements
Policy B5 – Control of development affecting the setting of a listed building
Policy B10 – The requirement to preserve or enhance the character and appearance of a Conservation Area

Other material considerations include:

National Planning Policy Framework (March 2012)
Draft National Planning Practice Guidance (August 2013)

Supplementary Planning Guidance on Space about Dwellings

Relevant Planning History

In 2002 planning permission, under reference 99/00368/FUL, was granted for the conversion of redundant buildings to 5 residential flats. In conjunction with this application, the applicant entered into a S106 Agreement which required the properties that were the subject to the planning permission to remain in the same ownership as Maer Hall and its immediate curtilage.

In November 2006 planning permission and listed building consent (06/00723/FUL & 06/00724/LBC) for the conversion of outbuildings at Maer Hall to form a reception and manager's flat (in former dovecote), two holiday flats (in former tack room) and one holiday flat (in former hayloft); and an overflow car park was refused and subsequently allowed on appeal in February 2008.

In 2009 one of the holiday units was relocated from the hayloft (known as Stable Cottage 3) to Bothy Cottage (an existing dwelling) and the former hayloft became an unrestricted dwelling following the granting of planning permission reference 08/00967/FUL.

In 2013 Committee resolved to grant permission for the variation of condition 1 of planning permission 06/00723/FUL allow flats 1 and 2 (Gardeners and Blacksmiths Cottages) to be occupied as 6 month shorthold residential tenancy lettings subject to the applicant entering into a planning obligation restricting the ownership of the building to the same ownership as the curtilage of Maer Hall with no disposal save for 6 months shorthold tenancies. The application was withdrawn as the applicant did not wish to enter into the obligation as required by Committee.

Views of Consultees

Maer and Aston Parish Council supports the application. They highlight, however, ongoing problems with the address of both of the Cottages that are subject to the application as these addresses are already in use in the village and share the same post code. This causes confusion with post, deliveries and utility services and residents are concerned that this may result in delays in emergency services. They consider the properties should be renamed as soon as possible

The **Highway Authority** have no objections to the application.

The **Conservation Officer** has no objections

The views of the **Garden History Society** have been sought and if received will be reported.

Representations

One letter of representation has been received which supports the proposal in principle but considers that it will result in serious problems if allowed to proceed in its current form due to the address of one of the cottages which are the subject of the application having the same address as another property in Maer. The letter highlights similar concerns to those raised by the Parish Council.

Applicant/agent's submission

The application is supported by:-

- **A covering letter** indicating that reason for the application is to generate income from the two properties to enable the owner of Maer Hall Estate to continue with the ongoing commitment to the refurbishment and maintenance of one of the most significant heritage assets in the Borough. A schedule shows the extremely poor occupancy rates such that they make little contribution in terms of income generation.
- **Heritage Asset Statement** indicating that there is the basic need in the preservation of the Hall and its Estate to commence a special programme of maintenance, refurbishment and improvement in order to prevent any possibility of structural failure and to ensure that the building is at all times and in all circumstances weatherproof. It highlights the importance of the complex of ancillary buildings. It is very necessary to find a suitable economic use for the stable buildings associated with the Hall.
- A **Draft S106 Obligation** which requires the cottages to remain in the same ownership, with no separate disposal, of the Maer Hall Estate; restricts external alteration to the premises; prevents any items or equipment from being brought onto the premises without the lessors consent; and prevents use that in any way causes damage, a nuisance or annoyance. It also includes a provision that should the premises be leased for a term in excess of six months that the owner will procure that the lessee enters into a direct covenant with the Local Planning Authority in a specified form. It further sets a limit on the lease of the property to a maximum period of 60 years.

These documents are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk/planning/MaerHall

KEY ISSUES

The application is a resubmission following the withdrawal of the previous application (13/00021/FUL) for the variation of condition 1 of planning permission 06/00723/FUL to allow flats 1 and 2 (Gardeners and Blacksmiths Cottages) to be occupied as 6 month shorthold residential tenancy lettings. The application was withdrawn after Planning Committee resolved to grant permission subject to the applicant entering into a planning obligation restricting the ownership of the building to the same ownership as the curtilage of Maer Hall with no disposal save for 6 months shorthold tenancies. The application was withdrawn as the applicant did not wish to enter into the obligation as required by Committee.

The Staffordshire and Stoke-on-Trent Structure Plan and West Midlands Regional Spatial Strategy no longer form part of the development plan as they did when the previous application was considered by Planning Committee. In all other respects there has been no material change in planning circumstances since Committee reached its decision and as such the key consideration in the determination of this application is whether the residential re-use of the rural buildings as proposed remains acceptable in this location subject to the restrictions as set out in the draft S106 obligations submitted with the application (set out in more detail below).

The principle of the re-use of rural buildings for residential use and compliance with policies on housing development

Local Plan Policy H9 indicates that before the conversion of rural buildings for living accommodation can be considered, evidence must be provided to show that the applicant has made every reasonable attempt to secure a suitable business use for the premises, subject to Policy E12. Where this has been done the residential conversion of buildings in sustainable locations can be considered favourably provided a series of criteria are met that include the requirement that the building does not require reconstruction, extension or substantial alteration and its form, bulk and general design is in keeping with its surroundings. In this instance and as indicated above, the proposal does not require any alteration to the fabric of the building and no extensions are proposed.

The NPPF states, at paragraph 55, that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. LPAs should avoid new isolated homes in the countryside unless there are special circumstances such as where such development would represent the optimal viable use of a heritage asset.

This site is within an existing rural community as it is within the village of Maer and as such it could not be argued that the proposal would result in isolated dwellings. Nonetheless the village is not identified within the Core Spatial Strategy as a location within the rural area where residential development is targeted, being devoid of any facilities and services. The formation of new dwellings would not generally be supported in this location therefore.

The units have already been converted and used for the purposes of holiday accommodation. The applicant claims that in the past year there has been little or no interest in them for holiday accommodation, but there has been interest in letting them on six month leases. Whilst no evidence has been submitted to demonstrate that the holiday cottages are not economically viable it is considered that the proposal would provide a use for the Listed Buildings that would assist in their retention without detriment to their appearance. In addition any income arising from the letting of the units would assist in the maintenance and management of the Grade II Listed Maer Hall and its surrounds.

In granting planning permission for the conversion of the buildings for holiday accommodation the Inspector at the appeal considered that a condition should be imposed to limit the use of the flats for that purpose since the overall configuration of the scheme and the private amenity space available for individual flats would not be satisfactory for permanent living accommodation. As indicated above the intention of the applicant is to lease out the flats on 6 month shorthold residential tenancy lettings and as such the units could be occupied for long periods of time by individuals. This may result in pressure to form private amenity areas and lead to additional domestic paraphernalia around the buildings which would be unacceptable in its impact on the setting of the listed building and if the application is to be approved suitable controls need to be put in place to ensure that this does not happen.

It is noted that there are 5 residential units adjoining the buildings that are subject to this application which are occupied on similar lettings without formation of gardens and unacceptable clutter from domestic paraphernalia. A planning obligation that was achieved when planning permission was granted for their residential use ensures that these buildings remain in the same ownership as Maer Hall. The management of the Estate has therefore ensured that the areas around the buildings have been suitably controlled.

The draft obligation submitted with the application differs in that it specifically allows for the premises to be leased for a period of up to 60 years, but the premises would nevertheless remain in the same ownership as the rest of the Maer Hall Estate and puts in place measures that would control the domestic paraphernalia that arises from longer term occupation of a property which generally falls outside of planning control. It is considered that if such a planning obligation is entered into in this case it will not only satisfactorily address the concerns of the Planning Inspector regarding private amenity space it will also ensure that the income generated by the leasing of the units will be kept within the Estate. In addition permitted development rights should be removed by condition so that boundary treatments to form private amenity space could not be erected without planning permission.

In recognition of this and that their reuse is an inherently sustainable act it is considered on balance that the proposal is acceptable in principle subject to consideration of parking which is set out below.

Other Matters

The Parish Council have indicated that they do not object subject to the applicant ensuring that the addresses of the properties within the application do not duplicate the name and address of properties within the village. Such matters are not material to the determination of the planning application and are not matters for which the Local Planning Authority have any legal jurisdiction; however the concerns of the Parish Council will be passed onto the applicant.

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

24th February 2014